

PUBLIC ACCESS, OPEN SPACE & NATURAL RESOURCES
PRESERVATION FUND COMMISSION

REGULAR MINUTES
February 26, 2015

The regular meeting of the Public Access, Open Space & Natural Resources Preservation Fund Commission of the County of Kauai was held at the Lihue Civic Center, Moikeha Building, Meeting Room 2A/2B. The following Commissioners were present:

Joseph Figaroa, Vice Chair
Randall Blake
Theodore Blake (1:34 pm – 3:18 pm)
Linda Dela Cruz
Dorothea Hayashi
Karen Ono

Absent and excused:
Patrick Gegen, Chairperson
(2 Vacancies)

The following Staff members were present: Planning Department Staff Nani Sadora and Duke Nakamatsu; Deputy County Attorney Ian Jung.

CALL TO ORDER

Chair pro tem Figaroa called the meeting to order at 1:07 p.m. with five commissioners present constituting a quorum.

SELECTION OF CHAIR AND VICE CHAIR

Mr. R. Blake proposed a slate for Joseph Figaroa to be the Chair and Patrick Gegen to be the Vice Chair to which Attorney Jung noted that the Chair cannot be repeated.

It was moved by Randall Blake and seconded by Linda Dela Cruz to nominate Patrick Gegen as Chair and Joseph Figaroa as Vice Chair.

On the motion by Randall Blake and seconded by Linda Dela Cruz to appoint Patrick Gegen as Chair and Joseph Figaroa as Vice Chair, the motion carried by unanimous voice vote (5-0).

ANNOUNCEMENTS

There were no announcements.

APPROVAL OF MEETING MINUTES

Minutes of January 8, 2015

Minutes of February 12, 2015

On the motion by Karen Ono and seconded by Linda Dela Cruz to approve the meeting minutes for January 8, 2015 and February 12, 2015, the motion carried by unanimous voice vote (5-0).

RECEIPT OF ITEMS FOR THE RECORD

There were no items for the record.

UNFINISHED BUSINESS

Review and discussion on past recommendations and prioritization of the Commission's work plan/timeline of events and activities.

Ms. Sadora noted that this is a standing item. Since the Commission will be reviewing the past recommendations from the field trip, they can discuss them in detail as the agenda items are taken up for each of the sites.

Update on recommendation to County Council for condemnation resolution for a portion of TMK (4) 2-6-003:017 to obtain a pedestrian public beach access easement to Kukuila Bay through the former Hoban property and discussion on alternative pedestrian public beach access options to Kukuila Bay.

Vice Chair Figaroa stated that this is not a willing land owner. He questioned the final assessment for this easement to which Attorney Jung noted the County's assessment was \$87,000 plus \$30,000 for fencing. The applicant countered with the upper end of \$600,000. The Mayor looked at the property and there was some discussion with the land owner regarding alternatives. The County sought alternatives with neighboring parcels. Letters were sent to two neighboring owners with no responses. The next step would be for the Mayor to evaluate the proposal for condemnation. The status is unknown.

Vice Chair Figaroa proposed to purchase it outright at \$600,000 to which Attorney Jung replied that they can't purchase it because the land owner doesn't want to sell it so it would still

have to go through condemnation. If Council chooses to approve a condemnation package, the valuation would be an issue in Court. If they are not willing to sell it at their proposed \$600,000 then they have to litigate over the amount of the worth for the 10 feet by 60 feet easement.

Vice Chair Figaroa questioned if a communication has been sent to the Council to which Attorney Jung noted that all communications from the Department is routed through the Mayor's office. In this case, the issue that needs to be worked out between the Department and Administration is whether requests from this body can go directly to Council.

Ms. Sadora noted that the Administration is reviewing their position.

Vice Chair Figaroa asked for clarification that everything coming out of Boards and Commissions is under the jurisdiction of the Mayor so everything must go through the Mayor to which Attorney Jung noted that some Charter provisions allow direct contact with Council, like the Planning Commission who can submit a Bill to the Council without the Mayor's interaction. The main function of this Commission is to do a biennial report to recommend to both the Mayor and the Council on properties to acquire. If it is highlighted in the report, when the report is presented to the Council, they can say there is an issue with Hoban and the Mayor's office is reviewing it and working out their policy. If Councilmembers want to take it up they can take it up on their own.

Ms. Sadora stated that it is indicated in the report that the Commission is submitting it for condemnation.

Attorney Jung noted that the Mayor and the Council both have the ability to introduce bills and resolutions, but the vehicle for the Commission to go to the Council is when they present their report. Otherwise, they go through the Mayor.

Vice Chair Figaroa asked for clarification that the Commission has done their due diligence to which Attorney Jung replied yes. The Administration has stated that they may need to do another appraisal, but he noted that when they enter litigation, appraisals will have to be done anyway.

Ms. Sadora noted that the \$600,000 does not include litigation fees.

Attorney Jung stated that the problem is that the attorney fees would not be coming from the fund. The fund is for the assessment and acquisition.

Ms. Sadora stated the breakdown shows the County's assessed value at \$116,300. The easement cost from the land owner's attorney was \$600,000. Appraisal services would be on the high end of \$7,500 and legal fees would be approximately \$300,000.

Vice Chair Figaroa questioned the amount already spent just to figure out the assessed value to which Ms. Sadora replied the most current assessment cost \$5,000.

Ms. Hayashi questioned if the land value could be lower if the Court declares it to which Attorney Jung noted the Fifth Amendment established that the Government can take the property, but it has to be with just compensation being market value. The Court would have to weigh whether or not it is in the public's interest and also whether or not the value is accurate based on expert witnesses. The jury or Court would make that call as to the valuation.

The Commission received testimony from Tessie Kinnaman, former Open Space Commissioner. She stated that the Commission is still not where they are supposed to be. It was supposed to go to Council two meetings ago. She questioned what is presently sitting before the Council to which Attorney Jung replied the Commission does not have the right to introduce resolutions. They can prepare one and request one for introduction. As of now, the Mayor's Office has not proposed the resolution so nothing is before the Council. Should the Council want to introduce it, they could, but what both sides would have to balance in making the policy decision is the value of the proposed property, the benefit for the public for this strip of land, and the consequences of parking. It is a political action.

Ms. Kinnaman questioned the difference between this access and the Sheehan property and how the Sheehan property was so fast to condemn to which Attorney Jung replied that there was a strong policy to acquire to expand park facilities because there was the argument that the area was overrun. They are doing a master plan for that whole area.

(Commissioner Teddy Blake arrived at 1:34 p.m.)

Ms. Kinnaman noted this access was on the recommendation list since the Commission's inception. She thought there was political will from the Mayor when she was on the Commission. The money is still there and she would expect that just because the Mayor has no will as the moment that the Commission go straight to the Council Chair and see where they could go from there. It is very discouraging when it has been on the agenda for years to have some other site be placed ahead of something that is needed. It is not being fair to everyone on the island. Not everything has to be north shore. Hopefully the Commission can step up and see what direction they can go.

Vice Chair Figaroa stated that step two would be to get someone either in the Administration or the Council to introduce a resolution to condemn this property. Attorney Jung replied that hypothetically if the Mayor launches it to the Council, they would need four votes to pass the resolution. It may need five votes for a condemnation.

Mr. R. Blake noted that they would have to get it out of committee first to which Attorney Jung noted it would go to first reading by the full Council. If it passes first reading, it goes to the Planning Committee and they can recommend to move forward, kill, or amend it. Then, if it passes out of Committee it goes back to full Council for vote. It's not a simple thing. If you choose condemnation it's a big deal.

Mr. R. Blake questioned how often condemnation has been used in the County to which Attorney Jung replied in his experience just one. There was a threat to do one, but it has been held up for ten years. There may have been more prior to his time.

Attorney Jung stated that to be an owner of a property and then have the government come in and take it is a big deal. You balance it out with public need and who is interested in getting it. It is not something that should be taken lightly.

Vice Chair Figaroa questioned the first reading and asked for clarification that someone still needs to introduce the resolution to which Mr. R. Blake replied that they would need a sponsor and the Chair would need to be willing to enter into a rare event.

Ms. Hayashi asked if they are allowed to lobby to which Attorney Jung stated that when the Commission presents their report they can highlight certain projects.

Ms. Hayashi asked if they can lobby individually to which Vice Chair Figaroa replied that anyone can lobby as an individual.

Discussion on request by Malama Koloa to consider purchasing a 4.860-acre archaeological parcel in Poipu located at TMK: (4) 2-8-031-199.

Ms. Hayashi thanked staff for arranging the site visits. They have seen it on the board, but when they visited the areas, she found that her priority according to the board went to the bottom. She thanked Mr. Rupert Rowe for allowing them to experience Kaneioulouma. Both of the areas in Poipu have a lot of cultural significance. The Hawaiian history is vital and the tourists would come to see it.

Vice Chair Figaroa stated that he believes cultural sites should be preserved because it is our heritage. He advocated for Kaneioulouma because when he first became a commissioner he saw what it was and now sees what it is. He can see the vision for this site as well, but his opinion is that he would like to stay focused on acquiring rather than adding. He would like to stay focused on Kaneioulouma as there is only one piece left. Once they accomplish that, he would love to focus on the next one. Overall, all historical sites should be preserved. He agreed with former Commissioner Kinnaman that they cannot just focus on one area. They need to focus overall.

Mr. R. Blake questioned the priority scheme. He felt that all of the sites were reasonably attractive. The hard part is prioritizing which ones receive the highest priority for recommendation.

Vice Chair Figaroa stated that he feels the Commission has already obligated themselves to certain sites and should complete what they already have so they can start to accomplish the new items to which Mr. R. Blake replied that he also didn't want to pass up a window of opportunity for a willing land owner.

Ms. Hayashi questioned if the cultural significance is holding back the sale of this parcel to which Mr. T. Blake replied that it is not on the market. It is zoned preservation so they can't do anything except historic preservation. They haven't done anything for almost 30 years. They

are required by the Land Use Commission to at least clear it. Four of the five have been cleared. The owner has 13 parcels in that subdivision. He does not know why they purchased the archaeological site from a real estate point of view.

Vice Chair Figaroa asked for clarification that they had a certain amount of time to clear the heiau site to which Mr. T. Blake stated that Moana Corporation changed the land use from open ag to urban. At that time the SHPD laws were not strong. Cultural Surveys was able to talk Moana Corporation into putting up five preserves. They had to clear and maintain the archeological sites, but there hasn't been good enforcement. This is the best preserve they have that has everything that was in the Koloa field system plus a major auwai. The price would probably be under \$100,000. Hal Hammat was very interested in getting involved with it.

Ms. Hayashi questioned if permits are needed to clear the area to which Mr. T. Blake stated that they need a plan approved by SHPD and it has to be cleared by hand. It is a difficult job. There is a lot of cactus and koa.

Attorney Jung stated that any grading or grubbing permits is routed through the State Historic Preservation. There are some exemptions, but they still need SHPD clearance because they are affecting a historic site.

Vice Chair Figaroa felt that if it is a preserve already, then it's a preserve no matter what.

Review and discussion on Commission's 2014 Report for the Mayor and Council's review including a list of accomplishments, challenges, future goals and objectives, and recommendations

Vice Chair Figaroa clarified that they are still waiting to hear from Council on the presentation date. He noted that at the last meeting the Commission decided that the Chair and Vice Chair would present the report.

Update on vacant commissioner position.

Ms. Sadora noted that there was no update on the vacant Council-appointed position. The new Mayor-appointed commissioner, Shaylyn Kimura, was supposed to be sworn in today, but wasn't able to make it. She will be at the March meeting.

Review and discussion on spreadsheet of Commission's task list.

Ms. Sadora stated that Chair Gegen requested adding Kauapea and Papaa Bay to the task list including everything that came out of the December and January meetings. She is also working on a recommendations task list to include all of the recommendations the Commission has made since its inception.

Ms. Hayashi questioned the status of the presentation by Rhoda Libre to which Ms. Sadora noted the highlighted items are action that are still open or pending. They requested to be placed on the March agenda.

Vice Chair Figaroa stated that his understanding was that they wanted the Commission to hold because the group was working with the State on executive orders. He questioned if staff has been on the radar for anything that has been going on to which Ms. Sadora replied that she has not seen any communication.

Ms. Dela Cruz questioned if they were also working with the Mayor to which Ms. Sadora replied that her understanding was that there was government involvement.

Ms. Hayashi suggested a deadline for the presentation. Otherwise the Commission is just sitting and she would like to move along.

It was moved by Dorothea Hayashi and second by Linda Dela Cruz to impose a deadline of March 12, 2015 for the presentation by the Westside Watershed Hui and if the deadline is not met the Commission will proceed with their efforts, the motion carried by unanimous voice vote (6-0).

Mr. R. Blake noted that for item 12, right of entry, the attorney was going to provide next steps to which Ms. Sadora replied that the right of entry letters has already been done. She will indicate that they are working with the Planning Commission regarding the easement.

Attorney Jung stated that Mr. Somers came in for his status update. He is working with Fish and Wildlife who is proposing a conservation plan for the whole area. They are not willing to let Mr. Somers gravel the road through the Fish and Wildlife property until they know what the conservation plan will look like.

Mr. T. Blake questioned if this was the access they wanted to close off at 5 p.m. to which Ms. Sadora noted there were several proposals.

Attorney Jung noted there are three elements. One is access to the waterfall which is still at the applicant's discretion. Mr. Graham, the applicant's representative, represented that if anyone wants access they can contact him and Mr. Somers will make a decision on whether or not that person can have access. Second is P1 that goes to the river. If the County hires another surveyor, Mr. Somers is willing to allow the County to identify it. The last access is where the property ends and enters Fish and Wildlife that proceeds to the river mouth along Quarry Road. Fish and Wildlife wants to do their conservation plan first before they identify what type of access they are going to allow. The road has been graded so many times that they have hit the boulders on the bottom so the road would have to be re-engineered. The deadline is February 2016, five years after the issuance of the permit.

Vice Chair Figaroa questioned why he would need a permit if it was part of the condition before he even built, to which Mr. Jung noted you need a permit to redesign the road, and you would need ES permits to make sure there is no outflow from any potential drainage issues.

Vice Chair Figaroa stated that he is bothered by the fact that his representative sits in on the meetings and yet they cannot get a response to the Commission's letters to which Mr. Jung replied that he can only do what his client authorizes him to do. Apparently Mr. Somers is a very difficult person to get a hold of. If he doesn't respond, it's up to him. He would have to authorize his attorney to respond on his behalf.

Mr. R. Blake questioned the status on the copy of the appropriations bill pending the \$170,000 to which Attorney Jung clarified that was money that went to the DLNR back in November.

Review and discussion on CGB/Evslin properties further identified as Tax Map Key (4) 1-3-005:040, 053, and 054.

Ms. Dela Cruz noted that the list indicates that an acquisition plan was sent to the attorney for review. After the field trip, she does not feel there is a need to purchase that parcel because it's not a good area for a park for recreation and there is already access near the homes.

Ms. Hayashi stated that she has a problem with the price. After seeing the area, there is another right of way if necessary. Considering the property has a fishpond and other archaeological finds, she was wondering how it was able to be sold on the market because you can't build on it. Considering the price, you couldn't really use it for anything else. If the public really wants access there, there is an alternative they can pursue.

Mr. R. Blake stated that he felt they should acquire it and thinks they should also talk to the State about their adjoining section to combine the properties. He thinks the appropriate use would be a skate park. He also envisioned a west side path running near that area so it could be a connector and they could utilize it as an intersection for cross traffic from the highway.

Ms. Hayashi noted that it is a nice idea, but the problem is that the local community in Hanapepe was opposed to a bike path when they were approached about it to which Mr. R. Blake replied that from Kekaha to Waimea they want a pedestrian bike path. He believes the Administration also support it.

Vice Chair Figaroa questioned if the community has expressed that they want a skate park to which Mr. R. Blake replied that he knows the skating community is looking for land on the west side.

Ms. Hayashi stated that she thought they were looking at Hanapepe field to which Attorney Jung stated it was just a discussion.

Mr. R. Blake stated that this parcel could be used for a beach park, to perpetuate access for beach park fishing, for a skate park, and then have access to non-vehicular traffic eventually a bike/pedestrian path.

Ms. Dela Cruz noted that a skate park may require comfort stations. She did not think they would allow comfort stations on the beach front. She takes care of McArthur Park and she has been fighting for a comfort station there for years but they are not able to. If it is in planning already and has the Mayor's support, she suggested bringing that to his attention as well, because she has been fighting for a comfort station at McArthur Park ever since she built it.

Vice Chair Figaroa questioned if the land ever floods to which Ms. Dela Cruz noted it floods when it rains. Mr. T. Blake noted that is the reason it was a fishpond. That is referred to as loko pu'uone type of fishpond; it's all sand.

Ms. Hayashi stated that she understands what Mr. R. Blake is saying because they have to think of the children too, but she knows they were thinking of two areas in the Hanapepe and Elelee park areas because it's safe. Her concern is always that the County can't even keep up with their present parks.

Ms. Dela Cruz stated that being that it is for sale for \$1.2 million, she felt there are other areas that were prioritized a long time ago. She felt their funds should be put in other places that are more suitable to which Mr. R. Blake replied as long as those other properties have willing land owners. The problem is that they are being told that they need to move with willing land owners and this one appears to be willing.

Ms. Hayashi questioned if they would need to do an appraisal to which Chair Figaroa stated they can do the free things first like ask the community for their opinion. Attorney Jung stated they can also question the Parks and Recreation Department on the feasibility.

Mr. R. Blake stated that with the Chair's permission he would be willing as a sub-committee member to speak with the Parks Director regarding the feasibility of acquiring this parcel.

Vice Chair Figaroa questioned if the Commission should invite the Parks Director to speak to the Commission to which Mr. R. Blake stated he didn't feel it would be necessary. Attorney Jung agreed that he would probably speak more frankly one on one.

On the motion by Karen Ono and seconded by Linda Dela Cruz to have Randall Blake consult with the Parks Director on the feasibility and possibilities for this property, the motion carried by unanimous voice vote (6-0).

The Commission received testimony from Tessie Kinnaman. She felt the Commission should scratch this site off the list. She noted it is also filled with bones. She did not think anyone would want to lay or play in that area. She also noted that willing land owners know the challenges they would have to go through to have something developed. She didn't see the logic in taking projects off of people's hands after they spent money so they can recoup some of that money. She thought the Commission wrote this parcel off a few years ago to which Ms. Sadora replied that she didn't think it was written off but the Commission just chose not to take action at that time. She stated that Dr. Evslin approached the Commission with a proposal so it became active again.

Ms. Hayashi stated as a west sider they know there are usually bones where there is sand. She questioned what would happen in that situation to which Ms. Kinnaman replied that is the challenge for the land owner. It would also be a challenge for the County because they would have to go through the same steps.

Ms. Sadora stated that when this property was presented, it was presented with full disclosure that there was iwi on the property. But based on the archaeological report and through communication with the last known community member of that area, they were moved. According to Dr. Evslin's best knowledge, whatever may have been discovered has been relocated. It is something the Commission has to consider; how to protect that and the archaeological ties to the property.

Ms. Kinnaman noted that as Ms. Dela Cruz pointed out, you can't even put a comfort station there.

Review and discussion on Kaha Kai Condominium parcel located at TMK: (4) 2-8-017:016.

Ms. Sadora noted this is the Nukumoi parcel.

Ms. Hayashi stated that she would like to support his project in whatever way they can. It is going full steam ahead and she would like to see the end product with the piece they need for the education for the tourists and locals.

Ms. Dela Cruz questioned if the parcel for sale or if there have been discussions with the land owners to which Ms. Sadora noted this is the last piece to restore the entire heiau area. There wasn't any communication with the Commission or the Department that the land owner was willing. During the community outreach several years ago, there was a representative from the land owner who was not supportive. It has always been part of the Commission's acquisition list.

Ms. Dela Cruz questioned if they can try to move forward and find out more information.

The Commission received testimony from Rupert Rowe. He noted that the person who was against the acquisition is no longer involved with the property. Before they did the CPR on the lot there was a lot of illegal grubbing and grading and the County refused to cite them. Then the County went after the owner with an after the fact permit. When you CPR a cultural site, you divide into parcels religious artifacts buried beneath the ground. The surveyor who did the 3D of Kaneiolouma will survey that parcel tomorrow. He will be meeting with the Planning Department and a representative from the Council. It was unique to learn the ins and outs of the process. Now they know the legal owners. He went forward with the Hawaii Island Land Trust and the land owner gave them a 10 foot easement. Then it expanded to a 20 foot easement. Then it expanded to a 40 foot easement. Each time they expanded the lot was divided into three sections. One of the owners, Sinclair's son, was blown away with what was done at

Kaneiolouma. Now they want to negotiate, but he cannot negotiate for the County. It is the County's responsibility to send their representative. The owner of the land would be the County. He needs an answer tomorrow not a proposal.

Vice Chair Figaroa asked for clarification on what is needed from the Commission to move forward to which Mr. Rowe replied he needs the Commission's support to stand in back of what they are doing. He believes they are in a good positions but he cannot speak for the Knudsens. He noted the Keenan Hookano is the land owner's representative. Erick L. Knudsen transferred his share to his two daughters and Sinclair transferred her portion to her son. Nobody knew all of the transactions took place. He did research. It went from an LLC to a Trust, back to an LLC and then back into Trust again. Along the way, the ownership changed on the land. They have a deadline to go after the property. She talked to Representative Morikawa, Senator Kouchi, and Governor Ige and next month Donna Mercado Kim will visit the site. The whole area will become worldwide. They are all on the same page.

Vice Chair Figaroa stated that the Commission is supportive of his needs.

Mr. Rowe noted that the first time they tried to acquire the property there was bad vibes. They fought the land owners. If they had let them put houses there, it would have been a big problem. Since there are no houses, it's easier to negotiate. They were blown away when they took the bushes down and exposed the illegal grubbing and grading that took place in the area. The land owner added value to his land by having that illegal grubbing and grading. It was the County's responsibility to go after them. There are records to show they challenged the land owner on that illegal grubbing and grading. There were problems along the way, but now things are good to move.

Ms. Hayashi asked for clarification that the Hawaii Land Trust is backing this project to which Mr. Rowe replied that Jennifer Luck spoke with the land owner personally. They are still behind it, but they are all waiting to see what the County is going to do.

Ms. Hayashi questioned if there were other agencies behind the project to which Mr. Rowe replied OHA is on the side and everybody is waiting. They don't want to commit. They want the County to say what it is going to do because the County will be the owner of the land, not anybody else.

Vice Chair Figaroa stated that the Commission is just following his lead and has never changed their position.

Ms. Dela Cruz thanked Mr. Rowe for the site visit. She was blown away because two years ago it was all bushes. Understanding they all did it by hand, she was amazed.

Mr. Rowe acknowledged Eddie Molina who removed the rubbish. The County removed 35 truckloads of green waste in one week. Now the timing is to move on this property. The Mayor wants to move forward and the Council wants to move forward. He noted the road that goes down to the park is a temporary road. It was never a road that exists. The real road is on the other side where the power line and waterline goes down. He is working with Public Works

and the State to make it a one way in and one way out. There are master development plans but nobody addresses the issues at the park. That's the most important place for the south side.

Ms. Sadora noted that the meeting tomorrow is between the Department, Mr. Rowe, Keenan, and a representative from Council to look at the procedural side of moving forward regarding the protocols for Council's agenda and how it moves from the Commission as a recommendation through the channels. It is more of a process meeting resulting from the communication from Council asking the Commission to take action. She will update the Commission at the next Commission meeting.

Vice Chair Figaroa questioned if the Commission should have been made aware of this meeting even if it is a procedural meeting to which Ms. Sadora noted it is more of a protocol meeting giving information on the process and procedure and being able to explain the timelines. If another meeting results where acquisition is considered, the Commission will be informed.

Vice Chair Figaroa questioned if they can begin the acquisition process to which Ms. Sadora replied sure.

Ms. Hayashi questioned if the motion will help the meeting to have clout to which Ms. Sadora replied that she will give whatever information is beneficial regarding discussions from this Commission

On the motion by Randall Blake and seconded by Theodore Blake that the Commission request an acquisition plan for TMK: (4) 2-8-017:016, the motion carried by unanimous voice vote (6-0).

Review and discussion on access to Lawai Kai beach.

Mr. T. Blake noted that during the field trip the Commission was told by NTBG that there was vandalism and graffiti but they did not mention when. He did some research and found that someone broke into the house about five years ago, didn't do any damage, he was just found in the house. As to the graffiti, somebody years ago painted something on a rock. He wanted to clarify that it's not a common or recent occurrence. The public path is similar to the path at Papaa Bay where you walk on the rocks. You have to go at low tide. That was his question at Papaa Bay. Is the public access accessible for everybody? Even with four wheel drive shoes it's difficult especially coming back up. If people want access through the gardens, they have to pay admission like everybody else. After the hurricane, NTBG got the concurrence of the community association not to pursue an easement. Things have changed. As much as he stood behind not having a new access made, having gone to Papaa Bay and seeing that it's not really an access, he felt we need to find a middle ground. He has counted over 120 people there at one time. They all come down with tents and coolers and they all come down the same way. It's amazing what they come down with. In his knowledge over the last three years there hasn't been much people trespassing. They need to preserve, but at the same time he did not think you can take away from the general public their right to access the beach.

Ms. Hayashi noted that she likes how Hanauma Bay is regulated. It's not overcrowded and people can go with their family. She questioned if that would be a thought to which Mr. T. Blake noted from the gate at spouting horn to the inner gate is all Kukuiula land. NTGB's land starts at the top of the valley. You would have to get access from two companies. Kukuiula has a nice walkway that wouldn't be a problem converting for access, but once you get to the valley is a problem. The road that went down to the garage got washed out during the hurricane.

Ms. Hayashi questioned if the land owners are not willing to talk to which Mr. T. Blake replied that the committee understood the intent of NTGB but it's hard to pass it off to the public. When he was young, it was private property and if you went there, you just asked. He never heard stories of people being turned away, but they would be told to be respectful, stay on the beach, and vacate at a certain time. Now you have youth ministers telling kids that it's their right to go on the beach. With social media, if they post photos of the beautiful day, 50 people show up in half an hour. At one time, there was talks about putting up a fence from the shoreline all the way up. Once you start doing something like that people start targeting your place. The nemesis on the south side is Lawai Kai.

Ms. Hayashi noted that there were a lot of boats going in and she thought of Hanauma Bay because she didn't realize what was happening there until she saw it. She knows it is a nesting site for the turtles.

Mr. R. Blake asked about the makai watch to which Mr. T. Blake stated that it is a great program that was started by the DLNR about 13 years ago. They school you in observing and if you observe something against the law, you note it, take as much evidence as you can, and report it to DOCARE. They're all volunteers and they take turns monitoring the beach. He participated for a number of years at Haena. It doesn't stop anybody from going to the beach, but there are certain rules. Every bay is different. At Haena you can only take what you can eat that night. Each individual can only take two lobsters, two he'e, and 20 opihi, all by hand. No spear guns. It gives the fish a chance.

(Mr. T. Blake left the meeting at 3:18 p.m.)

Review and discussion on possible recommendation for acquisition of 35 acre property in Omao further identified as TMK: (4) 2-7- 004:002.

On the motion by Dorothea Hayashi and seconded by Randall Blake to remove TMK (4) 2-7-004:002 from the priority recommendations list, the motion carried by unanimous voice vote (5-0).

Ms. Sadora noted this was never part of the priority recommendations. It was presented by a member of the public for consideration.

The Commission agreed to scratch this item.

NEXT MEETING DATE AND AGENDA TOPICS FOR DISCUSSION

Vice Chair Figaroa noted the next meeting will be on March 12, 2015. New business will include presentation from the Westside Watershed Council and an update on tomorrow's meeting.

Mr. R. Blake suggested merging item G.1. and G.6. to which Vice Chair Figaroa agreed.

Mr. R. Blake stated that he will present his report from meeting with the Parks Director at the next meeting to which Ms. Sadora noted it can be taken up under item G.7.

ADJOURNMENT

Vice Chair Figaroa adjourned the meeting at 3:21 p.m.

Respectfully Submitted by:



Duke Nakamatsu, Commission Support Clerk

() Approved as circulated on

() Approved as amended on